S.B. Civil Writ Petition No. 908/2005.

Date: 14.2.2005.

HON'BLE MR. R.P. VYAS, J.

Mr. R.S. Saluja for the petitioner.

The instant petition has been filed by the petitioner with a prayer that the respondents may be directed to prepare the pension case of the petitioner in accordance with the last pay drawn by the petitioner and consequently pay to the petitioner his entire arrears falling due on account of lesser payment of pension for all these years with interest @ 18% per annum.

Brief facts of the case are that the petitioner was appointed in the respondent Land Record Department as an Amin. Later on, he was promoted to the post of Surveyor. The petitioner, after his promotion to the post of Surveyor, in 1957, worked as such, till 1961. Thereafter, the petitioner was once again reverted to the post of Amin and instead of basic pay of Rs.106/-, in the pay scale of Rs.90-170/-, his pay was fixed at Rs.77/- in the pay scale of Rs.40-100/-. Then, he was promoted to the post of Patwari and later on

he was compulsorily retired on 6.8.1974.

The grievance raised by the petitioner in the instant petition is that after retirement, his pension was fixed in accordance with Schedule 5 of the Service Book. However, in accordance with the Rules, at the time of retirement, the petitioner was entitled to be fixed at a pay of Rs.192/- alongwith Special Pay of Rs.10/- per month. Therefore, the petitioner submitted a representation vide Annex. 2 before the District Collector, Udaipur regarding his grievances.

The District Collector, Udaipur vide his letter dated 23.1.2001 directed the petitioner to submit his representation before the concerned Department. Therefore, the petitioner made a representation to the concerned Department. The concerned Department vide its letter dated 5.2.2003 directed the petitioner to submit his representation to the Land Record Department

The main thrust of the arguments of the learned counsel for the petitioner in this petition is that the petitioner has made his best

efforts in order to redress his grievances regarding fixation of the pay and amount of the pension and other admissible benefits as available to him, but he has failed to get al the admissible benefits till date. He is running pillow to post, but no final decision has been taken by the Competent Authorities to decide the controversy as alleged by the petitioner, in his alleged representation. He has been made a shuttle cock in pursuance to the said representations from one person to another.

During the course of the arguments, learned counsel for the petitioner made a request that instead of issuing a notice to the writ petition, in the interest of justice, it would be appropriate to direct the respondent- Authorities to decide the representations of the petitioner regarding his grievances for the payment of pension and fixation of pay and other admissible benefits within stipulated period of time.

In view of this submission of the learned counsel for the petitioner, I am of the opinion that instead of issuing notice to the respondents,

it would be appropriate to direct the The District Collector (Land Record), Uadipur to decide the representation of the petitioner, after affording him a reasonable opportunity of hearing and by taking into consideration all the relevant provisions of the Pension Rules regarding pay fixation, pension and other admissible benefits available to him, within a period of two months from the date of receipt of a certified copy of this order.

Ordered accordingly.

With the aforesaid observations and directions, the writ petition stands disposed of.

(R.P. VYAS)J.

Anil